

**TOWN OF DARIEN
BOARD OF SELECTMEN
JUNE 2, 2014**

ATTENDANCE: First Selectman Jayme Stevenson; Christopher (Kip) Hall, Susan Marks, Gerald Nielsen, E. Reilly Tierney.

STAFF: Karl Kilduff, Administrative Officer.

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:05 p.m.

PRESENTATION from Western Tourism District of Connecticut

Mr. Betty Delios provided an overview of the Tourism District and explained the services that are available to benefit economic development of over 63 towns in the district. She provided a pamphlet on the district and outlined how local events can be promoted at no cost to the town. She suggested that events such as the Antique Show and town festivals use the Tourism District to showcase programs as Norwalk has done with the Oyster Festival to promote local restaurants and businesses.

FIRST SELECTMAN'S REPORT

First Selectman Stevenson read her report, as follows:

- Ed Gentile, new Director of Public Works, started today. He is going to be a great new addition to our staff.
- Many thanks to the Monuments and Ceremonies Commission and the Parade Committee for another outstanding Memorial Day celebration. This is the second year of the parade being organized by a committee of volunteers dedicated specifically to the parade. The committee is chaired by Sara Franzese and Kate Kuras and in appreciation of their efforts their committee was nominated and honored by this Board as our 2014 Community Fund Volunteers of the Year.
- Mather Center Update — Certificate of Occupancy anticipated to be granted on 6/5, cleaning the week ending 6/13, new furniture arrives the week ending 6/20. The move from the Edgerton building will occur after July 1 due to availability of the moving company. A grand opening will be planned for September to coincide with the September RTM meeting.
- 5/20- 2nd meeting of the Affordable Housing Trust Fund—the group is working on policy development.
- 5/22 — AT&T held a public information meeting on the proposed Ox Ridge Hunt Club cell. As a follow up to that meeting I met on site with members of the Planning and Zoning Committee, AT&T and counsel for the Hunt Club to see exactly where the silo tower is proposed to be sited. Additionally, Representative Terrie Wood and I met with a group of concerned neighbors on 5/28. The town has a 90 day period ending on June 25th (90 days from 3/27) to offer comment and alternative location proposals to AT&T.

First Selectman's Report – continued

- The League of Women Voters is sponsoring an important program tomorrow evening on Regional Consolidation and the formation of Councils of Governments. Representatives from the state legislature who were responsible for the new legislation will be here to discuss the rationale for this change in regional planning structure and to answer questions. This change needs RTM approval so I am strongly encouraging members of the RTM to attend. I want to thank Representative Terrie Wood for helping the LWV organize this important discussion. The program begins at 7pm at the Darien Library.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff stated that today the change in technology went into effect with the Commuter Parking lots and explained that the pay-by-app and License Plate Readers are in place and functioning. He noted that it was a good first day, and minor technical issues are being worked out.

PUBLIC COMMENT

Ms. Leelee Klein, 6 Saddlebridge Road, read the following letter and submitted it for the record:

As you are aware, AT&T and the Ox Ridge Hunt Club have an agreement to construct a 120' cell phone tower in the midst of a low-density residential neighborhood. Because Connecticut is one of two states that has state law that provides for cellular companies to override local land use regulations and circumvent town board approval processes, Darien is vulnerable to having its landscape and neighborhoods scarred. When the Town was faced with affordable housing development that conflicted with planning and zoning regulations, i.e. 8-30(g) proposals, the Town took the lead in establishing an Affordable Housing Plan that addressed the need for affordable housing in appropriate places that were consistent with land use regulations. I am asking that the Town be proactive in the role of developing a comprehensive cellular connectivity plan that identifies and balances the need for cellular and data coverage while respecting and complying with Darien's land use regulations. There must be a collaborative effort between the Town of Darien, its boards, and wireless carriers and their private property owner partners who should be encouraged to come to the Town with any proposed cellular infrastructure that would impact their neighbors. This is NOT a neighborhood only issue: it is a Town-wide issue.

I'd first like to ask the Town's support in bringing AT&T to the table for the purpose of postponing a filing of an application to the State Siting Council, and begin to work on a collaborative effort to devise a plan on which the Town and AT&T can agree.

Secondly, I request that the Board of Selectmen recommend to the Planning and Zoning Commission to hold a public hearing within the next two weeks in order for the public to give input. Planning and Zoning will be required to give an opinion to AT&T by June 27th, so time is of the essence, and the most thorough public process is critical.

Public Comment -- continued

Third, consider hiring a technology consultant who, as a third independent party, can offer strategies that balance Darien's zoning regulations with the need for improved cell phone and data coverage throughout the Town. Other Towns such as Greenwich and Easton are pursuing similar routes with success. Greenwich has recently worked with a municipal wireless consulting firm by the name of **Isotrope**, for example.

The Town is no stranger to taking the lead on issues where state law threatens local governance. Darien is a town that is distinctively charming, with its beaches, parks, quaint downtown atmosphere, outstanding school system, vast array of community services and activities, and specifically the Ox Ridge Hunt Club. The Ox Ridge Hunt Club is a nationally recognized, famous equestrian facility and a veritable draw for prospective real estate buyers. With the Town's vested interest in the property, it is clear that preserving the Ox Ridge Hunt Club is part of the Conservation Plan of the Town.

The Town of Darien does have an important role in affecting the outcome of not only this proposed cell tower, but for future cellular infrastructure within the Town, which is imminent. June 27th is the deadline whereby AT&T would be through its required processes before it decides to submit an application to the State Siting Council. I think I speak for many by saying that although I am opposed to a cell tower at Ox Ridge Hunt Club, I am open to alternative locations and/or technologies, whether it'd be at the Hunt Club or on another location that is acceptable to both the Town and AT&T. Anything that I can do to help, I would love to be of service. Thank you for your time.

Jenny and Kevin Schwartz
8 Saddle Ridge Road

First Selectman Stevenson thanked Ms. Klein for attending the meeting and noted that there would be further discussion during the Cellular Tower item on the agenda.

NEW BUSINESS

Discuss and Take Action:

Granting Permission to the YWCA of Darien/Norwalk for the 10th Annual Push-n-Pull Parade to be held on July 4, 2014.

Ms. Heather Cavanagh, Executive Director of the YWCA presented the item and reviewed the supporting documents. First Selectman Stevenson stated that she is pleased to recommend approval and continuing this special parade tradition.

**** MR. NIELSEN MOVED TO ADOPT THE RESOLUTION AS FOLLOWS:
THE BOARD OF SELECTMEN OF THE TOWN OF DARIEN HEREBY GRANTS
PERMISSION TO THE YWCA OF DARIEN-NORWALK FOR THE 10TH ANNUAL
PUSH-N-PULL PARADE ON FRIDAY, JULY 4, 2014 SUBJECT TO THE
REQUIREMENTS OF THE DARIEN POLICE DEPARTMENT AND THE PARKS &
RECREATION DEPARTMENT.
** MS. MARKS SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.**

Discuss Potential Cellular Tower Application on the Ox Ridge Hunt Club Site

First Selectman Stevenson stated that she would like to hear comments and concerns from the Board and noted that she would be writing to the Siting Council in opposition of the item.

Mr. Tierney stated that the open space of the Hunt Club is rare and is something that should be preserved.

Mr. Nielsen stated that the need for the tower has not been proven by AT&T and he can see no benefit to the Town. He added that the silo concept is an attempt to hide the tower, but it that does not work. He suggested that it be attached to an existing water tower.

Ms. Marks stated that she agreed and wanted to echo the previous comments about the absence of a strong case for need and the size. She noted that the water tower is 80 feet, and this silo is 50% more at 120 feet.

Mr. Hall stated that he agreed and wanted to echo the previous comments about seeking alternative technologies and to look five years forward to address the Town's needs.

First Selectman Stevenson stated that she wanted to fill in with the following information that she has received:

Emergency medical services have no usage of wireless technology.

The gap in cell service does exist and this location is optimal for in-home data delivery for multiple devices versus phone communications.

PURA disallows antennas on telephone poles and this is a highly regulated industry.

Mr. Tierney asked about the Town exercising the right with tax options on the property lease to delay action. First Selectman Stevenson replied that this is something that the Town will seek legal counsel.

Discuss and Take Action on Approval of Assessment Appeal

**** MR. NIELSEN MOVED TO ADOPT THE RESOLUTION AS FOLLOWS:**

THE DARIEN BOARD OF SELECTMEN HEREBY APPROVES SETTLEMENT OF THE CASE OF ZOTOS v. TOWN OF DARIEN (CV-13-602 1228) TO AMEND THE FAIR MARKET VALUE OF THE PROPERTY TO \$19,100,000 FROM \$26,361,400 FOR THE GRAND LIST OF OCTOBER 1, 2012 IN ACCORDANCE WITH A STIPULATION FOR JUDGMENT.

**** MR. TIERNEY SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

APPOINTMENTS/RE-APPOINTMENTS

Consider and take action on the following appointments:

Vic Capellupo to the Zoning Board of Appeals for a 3-year term beginning on July 1, 2013 and expiring on June 30, 2016.

**** MR. NIELSEN MOVED TO ACCEPT THE APPOINTMENT AS PRESENTED.**

**** MS. MARKS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

AGENDA REVIEW

First Selectman Stevenson noted that Board members could send her input on agenda items.

Ms. Marks stated that it was great how quickly First Selectman Stevenson responded to the public on the flood mitigation and re-mapping issues with holding an information session, and asked if there was any feedback. First Selectman Stevenson replied that there has been no further comment received.

Approval of Minutes

Regular Meeting of May 19, 2014

Page 1: Last Paragraph, sentence 2: the last part should read: “, and the Intervale Abbey drainage project is one of the outcomes as a result.”

Page 2: Todd Billeter, Hamilton Lane. Page 3: Colin Peck.

**** MR. HALL MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MAY 19, 2014 AS AMENDED WITH CORRECTIONS NOTED.**

**** MR. NIELSEN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Special Meeting of May 19, 2014

- ** MR. HALL MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF MAY 19, 2014 AS SUBMITTED.**
- ** MR. NIELSEN SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

There was one additional public comment at the end of the meeting.

Johnny (no last name given) 34 Fitch Street spoke about various environmental concerns that have impacted his property.

There was no other business.

FORTHCOMING MEETINGS

June 3, 2014	Planning & Zoning Commission Regular Meeting at 8:00 PM
June 9, 2014	Representative Town Meeting Special Meeting at 8:00 PM
June 10, 2014	Board of Education Regular Meeting at 7:30 PM
June 10, 2014	Planning & Zoning Commission Regular Meeting at 8:00 PM
June 16, 2014	Board of Selectmen Regular Meeting at 7:00 PM

Adjournment

- ** MR. NIELSEN MOVED TO ADJOURN THE MEETING.**
- ** MR. HALL SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Marilyn Knox,
Telesco Secretarial Services